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7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

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14 DOUGLAS BLOUIN,

15 Defendant.
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No. CR16-307-TSZ

**PRELIMINARY
ORDER OF FORFEITURE**

17 THIS MATTER comes before the Court on the United States' Motion for
18 Preliminary Order of Forfeiture ("Motion"), docket no. 103, seeking to forfeit, to the
19 United States, the Defendant Douglas Blouin's interest in the following property:

- 20 1. One Dell 660 computer, seized from the Defendant on or about October 27,
21 2016;
- 22 2. One Seagate internal hard drive (Model#:ST3250824SV, serial number
23 5ND4Y7AL), seized from the Defendant on or about October 27, 2016;
- 24 3. One Seagate internal hard drive (Model#: ST31500541AS, serial number
25 6XW0TPT2), seized from the Defendant on or about October 27, 2016; and,
- 26 4. Any and all depictions of minors engaged in sexually explicit conduct.
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1 The Court, having reviewed the papers and pleadings filed in this matter, including
2 the United States' Motion, hereby FINDS entry of a Preliminary Order of Forfeiture is
3 appropriate because:

- 4 • The above-identified property is forfeitable pursuant to 18 U.S.C. § 2253, as it
5 is comprised of property used to commit or to promote commission of the
6 offense of Possession of Child Pornography, in violation of 18 U.S.C.
7 §§ 2252(a)(4)(B) and (b)(2), and/or prohibited images; and,
- 8 • Pursuant to the plea agreement he entered on August 8, 2017, the Defendant
9 agreed to forfeit the above-identified property pursuant to 18 U.S.C. § 2253
10 (Dkt. No. 97, ¶ 6).

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12 NOW, THEREFORE, THE COURT ORDERS:

13 1) Pursuant to 18 U.S.C. § 2253 and his plea agreement, the Defendant's
14 interest in the above-identified property is fully and finally forfeited, in its entirety, to the
15 United States;

16 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
17 be final as to the Defendant at the time he is sentenced; it will be made part of the
18 sentence; and, it will be included in the judgment;

19 3) The United States Department of Homeland Security, Homeland Security
20 Investigations ("HSI"), and/or its authorized representatives, shall maintain the
21 electronics (items 1, 2 & 3) in its custody and control until further order of this Court.
22 HSI shall destroy any depictions (item 4) unless they have been destroyed already or will
23 be retained for official, investigative use, as permitted by 21 U.S.C. §§ 853(i) and 881(e);

24 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
25 United States shall publish notice of this Preliminary Order and the United States' intent
26 to dispose of the electronics (items 1, 2 & 3) as permitted by governing law. The notice
27 shall be posted on an official government website – currently www.forfeiture.gov – for at
28 least thirty (30) days. For any person known to have alleged an interest in the electronics,

1 the United States shall, to the extent possible, also provide direct written notice to that
2 person. The notice shall state that any person, other than Defendant, who has or claims a
3 legal interest in the electronics must file a petition with the Court within 60 days of the
4 first day of publication of the notice (which is 30 days from the last day of publication),
5 or within 30 days of receipt of direct written notice, whichever is earlier. The notice shall
6 advise all interested persons that the petition:

- 7 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged
8 interest in the electronics;
- 9 b. shall be signed by the petitioner under penalty of perjury; and,
- 10 c. shall set forth the nature and extent of the petitioner's right, title or interest
11 in the electronics, as well as any facts supporting the petitioner's claim and
12 the specific relief sought.

13 5) If no third-party petition is filed within the allowable time period, the
14 United States shall have clear title to the electronics, and this Preliminary Order shall
15 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

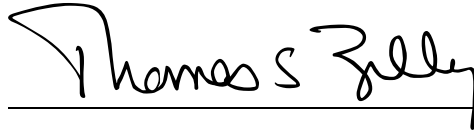
16 6) If a third-party petition is filed, upon a showing that discovery is necessary to
17 resolve factual issues it presents, discovery may be conducted in accord with the Federal
18 Rules of Civil Procedure before any hearing on the petition is held. Following
19 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,
20 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that
21 adjudication; and,

22 7) The Court will retain jurisdiction for the purpose of enforcing this
23 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of
24 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
25 Fed. R. Crim. P. 32.2(e).

26 IT IS SO ORDERED.

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2 DATED this 25th day of October, 2017.

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5 Thomas S. Zilly
6 United States District Judge
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9 Presented by:

10
11 /s/ Michelle Jensen

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